

DOCKET NO.: **BU-0126

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Richard T. Oesterreicher et al.

Confirmation No.: 7933

Application No.: 10/609,433

Group Art Unit: 2186

Filing Date: June 27, 2003

Examiner: Sheng Jen Tsai

For: ADAPTABLE CACHE FOR DYNAMIC DIGITAL MEDIA

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE NOTICE OF ALLOWANCE AND FEE(S) DUE**

A Notice of Abandonment was issued on May 27, 2008, in connection with the above identified application for failure to pay the issue fee due April 30, 2008. Pursuant to MPEP 711.03(c)(I)(A), Applicant hereby petitions to withdraw the holding of abandonment on the basis that the Notice of Allowance dated January 31, 2008, was not received.

As evidence of the non receipt of the Notice of Allowance, attached are:

1. Declaration of Jacqueline M. Neuman, with attached Exhibits A-C, as follows:

Exhibit A - Redacted copy of a mail log record that discloses receipt of all correspondence received from the U.S. Patent and Trademark Office (PTO) on January 31, 2008, through March 3, 2008, inclusive;

Exhibit B - Redacted copy of a docket report on which the Notice of Allowance would have been entered had it been received;

Exhibit C – Blank Docket Process Form; and

2. Declaration of Aaron F. Bourgeois, with attached Exhibits A and B as follows:

Exhibit A - Redacted copy of a mail log record that discloses receipt of all correspondence received from the U.S. Patent and Trademark Office (PTO) on January 31, 2008, through March 3, 2008, inclusive;

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Exhibit B - Redacted copy of a docket report on which the Notice of Allowance would have been entered had it been received.

Accordingly, Applicant respectfully requests that the PTO withdraw the holding of abandonment and resend the Notice of Allowance.

Date: July 22, 2008

/Aaron F. Bourgeois/
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